

W.P.(C) No.2132 of 2009 with W.P.(C) no.2143 of 2009

In the matter of an application under Article 226 of the Constitution of India.

1.Public Information Officer, Ranchi University[W.P.(C) no.2132/09]
2.Registrar, Ranchi University[(W.P.(C)no.2143/09] Petitioners
Versus

(in both cases)

1.Jharkhand State Information Commissioner, Ranchi
2.Dr.Shyama Raman Pandey ...Respondents

(in both cases)

For the Petitioners : Mr. Anoop Kr. Mehta , Advocate
For the Respondent no.2 : In person.

P R E S E N T

The Hon'ble Mr. Justice Narendra Nath Tiwari

By Court:

In these writ petitions, the petitioners have challenged the orders of the learned State Information Commissioner, Ranchi, whereunder learned Information Commissioner has held that the petitioners failed to furnish the information and comply with the orders and has awarded compensation of Rs.50,000/- and Rs.25,000/- respectively.

2. Since the common questions of law based on almost similar facts situation are involved, with the consent of the parties, both these writ petitions have been taken up and heard together and being disposed of by this common order.

3. The orders have been challenged mainly on the ground that learned Information Commissioner has passed the orders without considering the facts and circumstances, placed before him by the petitioners and has awarded compensation without any cogent basis. The orders of the Information commissioner are, thus, wholly arbitrary and illegal.

4. Mr. Mehta, learned counsel, appearing on behalf of the petitioners, submitted that the Information Commissioner has committed an error awarding the monetary compensation without considering that the information sought for by the petitioners during pendency of the Second Appeal was not available. The information was sought regarding the documents, which were missing. The Information Commissioner has also not appreciated that there was no ill will or malafide intention and the petitioners were prevented from supplying the information under the circumstance beyond their control. He further submitted that the award of compensation is wholly without any basis and is arbitrary and unwarranted. The impugned orders are, thus, liable to be quashed.

5. The respondent no.2(private respondent) has appeared in person and supported the orders of learned Information Commissioner. He submitted that the orders of learned Information Commissioner are well discussed and based on facts and materials on record. The applicant/respondent no.2 had sought information relating to pay fixation, insurance papers and other materials. He was teachers appointed in the Ranchi University and subsequently promoted up

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to the post of University Professor. It is wholly unbelievable that the information relating to pay fixation and insurance papers are not available. But information relating to statement of payment of salary from 1980, loan deducted, file relating to deposit of deducted portion of D.A. with PF, relevant file showing the rate of interest from 1967 to 1994 actually paid to the applicant/respondent no.2 and the similar other related information sought for, deliberately were not furnished. The said reply was given by the Ranchi University after harassing the applicant/respondent no.2 for about 15 months. All those circumstances based on records were almost admitted by the petitioners and were duly considered by learned Information Commissioner and some compensation was awarded. Though the compensation was not adequate, the respondent no.2 has not raised any objection regarding the same, in the hope that the same will be paid to him. The University even thereafter adopted harassing attitude and filed these writ petitions and has unnecessarily dragged the respondent no.2 to this Court.

6. I have heard learned counsel for the petitioners and respondent no.2(in person). I also perused the impugned orders. The petitioners, as aforesaid, have mainly assailed the orders of learned Information Commissioner on the ground that he has passed the impugned orders without properly considering the facts and materials on record and has not assigned any cogent reason for awarding compensation of Rs.50,000/- and Rs.25,000/- respectively in the said two cases.

7. I find no substance in the submissions of the petitioners.

8. Learned Information commissioner has taken into consideration every aspect of the said case and he has discussed the facts and materials on record and has awarded compensation, exercising his discretionary power. I find no ground made out to interfere with the said discretion, exercised by learned Information Commissioner.

9. The orders of learned Information Commissioner are thoroughly discussed and well considered and I find no arbitrariness and illegality.

10. These writ petitions are, accordingly, dismissed.

(Narendra Nath Tiwari, J.)

Jharkhand High Court
Ranchi
19th January,2012
N.A.F.R./s.b.